

TONY T. PRICE,)
)
Plaintiff,)
)
v.) No. 3:18-CV-459-DCP
)
)
ANDREW SAUL,)
Commissioner of Social Security,)
)
Defendant.)

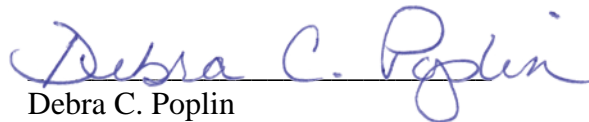
This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02. Now before the Court is Plaintiff's Motion to Substitute Party [Doc. 25], filed on January 6, 2020.

Pursuant to Federal Rule of Civil Procedure 25(a), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party.” In Social Security Disability Insurance Benefits (“DIB”) or Supplement Security Income cases (“SSI”), the claim does not extinguish and the proper party may be entitled to underpayments. *See* 20 C.F.R. §§ 404.503 and

416.542. Under 20 C.F.R. § 404.503, the order of priority for an underpayment first lists the deceased individual's surviving spouse, followed by the child or children of the deceased individual. Plaintiff's counsel has properly filed and served Plaintiff's death certificate, as well as noted Ms. Murr as the appropriate party. Accordingly, the Motion to Substitute Party [Doc. 25] is **GRANTED**, and Karrie Murr shall be **SUBSTITUTED** as Plaintiff of record in this matter.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge